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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/828,278

04/21/2004

Michael R. Johnson

251505US96DIV

5429

22850

7590

10/26/2006

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EXAMINER

TUCKER, ZACHARY C

ART UNIT

PAPER NUMBER

1624

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/828,278	04/21/2004	MICHAEL R. JOHNSON	251505US96DEV
			EXAMINER
			ZACHARY C. TUCKER
		ART UNIT	PAPER
		1624	24102006

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Art Unit: 1624

***Correction re Requirement for Restriction***

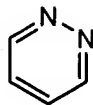
In the instant application, a Requirement for Restriction represented in writing was mailed to applicants 13<sup>th</sup> October 2006. In that Requirement, five Groups were established, based on what the identity of the "Q" containing ring in partial structural formula (A) is (either nitrogen or carbon).

One embodiment of the compounds disclosed by applicants would be those compounds wherein two (2) "Q" variables are nitrogen atoms and the rest are carbon. Each one of the formula (I) compounds according to the instant claims, wherein two "Q" are nitrogen, are patentably distinct from one another. This is demonstrated in the Requirement for Restriction mailed 13 October 2006 as Groups III and IV, drawn to formula (I) compounds wherein the "Q" containing rings are 1,3-diazine (pyrimidine) and 1,4-diazine (pyrazine), respectively.

However, a six-membered ring wherein two of the atoms are nitrogen may take yet another form – the 1,2-diazine arrangement – which was inadvertently overlooked by the examiner in the preparation of the Requirement for Restriction letter. The examiner should have included another Restriction Group for compounds wherein two "Q" are nitrogen, a Group V-a.

**V-a** Claims 82-121, 124-126, 131-140, 165-169, drawn to methods of effecting various therapeutic results, in a subject, comprising administering to the subject a compound represented by formula (I), wherein in the formula (I), the variable "Q"-containing ring is a 1,2-diazine ring (pyridazine):

Art Unit: 1624



The "Q" at the 1- and 2-positions are nitrogen atoms, that is. These methods are classified in class/subclass 514/252.02.

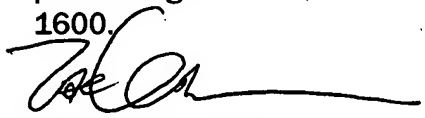
**Conclusion**

The examiner apologizes for the mistake.

Any inquiry concerning this communication should be directed to Zachary Tucker whose telephone number is (571) 272-0677. The examiner can normally be reached Monday to Friday from 5:45am to 2:15pm. If Attempts to reach the examiner are unsuccessful, contact the examiner's supervisor, James O. Wilson, at (571) 272-0661.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.



Zachary C. Tucker